



ORIGINAL

STATE OF WASHINGTON
DEPARTMENT OF PERSONNEL

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September 19, 2006

TO: Interested Parties

FROM: Eva Santos
Director

SUBJECT: September 14, 2006 Director's Meeting Action – Rule Items

As you were informed by Mike Sellars, Department of Personnel, Deputy Director, I have been provided with recommendations for the rule proposals presented at the September 14, 2006 Director's Meeting; this includes access to verbatim transcript. After thorough and careful consideration of each item presented, I have concluded action for the following:

MERIT SYSTEM RULES

Rule item one: This proposal supports the new supervisory training curriculum designed by DOP. Staff recommended an effective date of October 20, 2006.

Rule item two: This proposal will line up the definitions of "child" and "parent" with the definitions found in RCW 49.78 (family leave). Staff recommended an effective date of October 20, 2006.

Rule item three: The changes proposed by staff are necessary because the public disclosure law was re-codified from RCW 42.17 to RCW 42.56. DOP also went through and made changes so that these rules are in compliance with RCW 42.56. Staff recommended an effective date of October 20, 2006.

Rule item four: This proposal is necessary for the implementation of the new E-Recruiting system. Staff recommended an effective date of October 20, 2006.

Rule item five: Staff asked that this item be postponed.

ACTION TAKEN: Rules Items one through four were adopted as proposed with an effective date of October 20, 2006. Rule item five has been postponed.

Attachment



Section E: Rule Amendments

ITEM #1 - ADOPTED ON A PERMANENT BASIS, EFFECTIVE 10-20-06.

Staff Note: DOP has designed a new supervisory training curriculum. These proposed modifications to the training rules are to support the new supervisory training. Staff is proposing permanent adoption effective October 16, 2006.

AMENDATORY SECTION: (Amending WSR 05-01-195, filed 12/21/04, effective 7/1/05)

WAC 357-34-065 What must be included in the required supervisory or managerial training?

(1) At a minimum, the entry-level supervisory or managerial training required by WAC 357-34-055 must include all of the following topics:

- (a) The role and legal responsibilities of a supervisor/manager.
- (b) Performance management, including employee performance evaluation, development, counseling or coaching, and discipline.
- ~~(3) Employee motivation, recognition, and rewards.~~
- ~~(4) Communication skills and principles.~~
- ~~(5) Leadership styles and methods.~~
- (c) Compensation practices.
- (d) Recruitment and selection processes and practices.
- (e) Labor relations practices and processes.

(2) In addition, supervisors and managers may also receive training on other topics identified by the employer.

AMENDATORY SECTION: (Amending WSR 05-01-195, filed 12/21/04, effective 7/1/05)

WAC 357-34-090 Who provides the required supervisory or managerial training?

The department provides training activities to fulfill the requirement in WAC 357-34-055 and/or consultative services, as requested, to assist ~~the employers to in~~ development of their own programs. Employer-developed training must satisfy the requirements of WAC 357-34-060 and WAC 357-34-065.

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AMENDATORY SECTION: (Amending WSR 05-12-070, filed 5/27/05, effective 7/1/05)

WAC 357-58-385 What is the responsibility of general government employers to provide training and development to WMS employees?

~~In addition to those responsibilities identified in chapter 357-34 WAC, general government employers must provide WMS development and training opportunities specifically designed to refine and broaden managerial knowledge and leadership competencies. Diversity, performance management, and education for managing employees in a civil service system must be part of this training. WMS employees must complete the core curriculum on leadership competencies as determined by the department of personnel within eighteen (18) months of being appointed to a WMS position. General government employers must provide all WMS employees development and training opportunities designed to broaden managerial and leadership competencies. Diversity and performance management must be part of this training. WMS employees who supervise staff must meet the requirements in chapter 357-34 WAC.~~

ITEM #2 ADOPTED ON A PERMANENT BASIS, EFFECTIVE 10-20-06.

Staff Note: The following proposed modifications will line up the definitions of "child" and "parent" with the definitions found in RCW 49.78 (Family Leave). This RCW was updated with the passage of SSB 6185. Staff is proposing permanent adoption effective October 16, 2006.

AMENDATORY SECTION: (Amending WSR 05-12-093, filed 5/27/05, effective 7/1/05)

WAC 357-01-072 Child. A biological, adopted, or foster child, or a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

(1) under eighteen years of age; or

(2) eighteen years of age or older and incapable of self-care because of a mental or physical disability.

AMENDATORY SECTION: (Amending WSR 05-12-093, filed 5/27/05, effective 7/1/05)

WAC 357-01-227 Parent. A biological or adoptive parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child. A person who had day-to-day responsibilities to care for and financially support the employee when he or she was a child is considered to have stood *in loco parentis* to the employee.

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ITEM #3 ADOPTED ON A PERMANENT BASIS, EFFECTIVE 10-20-06.

Staff Note: These changes are necessary because the public disclosure law was re-codified from RCW 42.17 to RCW 42.56. DOP also went through and made changes so that these rules are in compliance with RCW 42.56. Staff is proposing permanent adoption effective October 16, 2006.

AMENDATORY SECTION: (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-005 What is the purpose of this chapter?

The purpose of this chapter is to ensure that the department of personnel complies with the provisions of state law on public disclosure, chapter ~~((42.17))~~42.56 RCW. The statutes that specifically address public records are found in RCW ~~((42.17.250))~~42.56.001 through ~~((42.17.348))~~42.56.902.

AMENDATORY SECTION: (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-010 What definitions apply to public records?

Terms defined in the State Public Records Act, chapter ~~((42.17))~~42.56.010 RCW, have the same meaning when used in these rules.

AMENDATORY SECTION: (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-015 How does the department index its records?

(1) The department maintains and makes available for public inspection and copying an index that provides identifying information for public records as described in RCW ~~((42.17.260))~~42.56.070(3).

~~(((2)The index is maintained in electronic form with copies available on paper.~~

~~(3) The index contains topic and subtopic headings that people can use to facilitate finding a specific public record.~~

~~(4) The index is available to the public on the same basis as other public records.~~

~~(5) The department revises and updates the index biennially.))~~

(2) The index includes:

(a) Personnel Resource Board decisions;

(b) Department of Personnel (DOP) Strategic Plan;

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(c) Washington Management Service Strategic Plan;

(d) Administrative Staff Manuals;

(e) DOP Employee Survey;

(f) DOP Affirmative Action Plan;

(g) DOP Internal Policies;

(h) Director's Reviews;

(i) Director's Meeting Minutes;

(j) Referrals; and

(k) Registers

(3) The index is available to the public on the same basis as other public records.

(4) The department revises and updates the index monthly.

AMENDATORY SECTION: (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-020 How can I obtain a copy of the department's records index?

~~((The department makes copies of the index available at no charge upon request to the agency public records officer at:))~~The index can be found at: <http://www.dop.wa.gov/>. A paper copy will be available upon request to the agency public disclosure coordinator:

Public ~~((Records Officer))~~Disclosure Coordinator
Washington State Department of Personnel
521 Capitol Way South
PO Box 47500
Olympia, Washington 98504
Email: publicrecords@dop.wa.gov

AMENDATORY SECTION: (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-025 How do I request to inspect or get a copy of a public record?

(1) ~~((All r))~~Requests for public records ((must))may be ((submitted))made in writing, by email, fax, or orally to the public disclosure coordinator ((to the department public records officer)) at:

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Public ~~((Records Officer))~~Disclosure Coordinator
Washington State Department of Personnel
521 Capitol Way South
PO Box 47500
Olympia, Washington 98504
Email: publicrecords@dop.wa.gov
Fax: 360-586-4694
Phone: 360-664-6318

~~((The department will not accept public records requests via e-mail unless such a request is approved in advance by the director, the public records officer, or an authorized designee.))~~

(2) A form is available at <http://www.dop.wa.gov/> for a public records request but is not required as long as the request contains the following information~~((Public records requests must contain the following information))~~:

- (a) The name, address and telephone number of the person requesting the record;
- (b) The date on which the request is being made;
- (c) A description of the record(s) requested;
- (d) If the requested record is referenced in a current department of personnel index, a reference to the record as described in the index; and
- (e) If the request is for a list of individuals, the requester must certify that the information will not be used for commercial purposes except as permitted by RCW ~~((42.17.260))~~42.56.070(9).

~~((3))~~If the requester desires, the department will provide a form to be used for public record requests.

~~((4))~~(3) The public ((records officer))disclosure coordinator ((or designee)) will assist members of the public to clarify a request or to identify specific records or types of records. The department may require a requester to provide additional information to sufficiently identify records or to determine whether a lawful exemption applies.

AMENDATORY SECTION: (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-030 How will the department respond to my request?

~~((4))~~Within five days of receiving a public records request, the department will respond and either

- ~~((a))~~(1) Make the requested record(s) available;

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(2) Make the requested record(s) available on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure.

~~((b))~~(3) Deny all or part of the request as described in WAC 357-07-070; or

~~((e))~~(4) Acknowledge receipt of the request and estimate the reasonable time period needed to respond to the request as permitted by RCW ~~((42.17.320))~~ 42.56.

~~((2) The director or designee within two working days of the denial will review denials of requests for public records.))~~

AMENDATORY SECTION: (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-035 What happens if the department determines that all or part of a requested public record is exempt from disclosure?

- (1) The department must determine whether all or any portion of a requested public record is exempt from disclosure under chapter ~~((42.17))~~42.56 RCW or other applicable law.
- (2) The~~((public records officer))~~department may delete information from any record before permitting public inspection or copying if the information is exempt from disclosure according to ~~((RCW 42.17.310, another section of chapter 42.17))~~42.56 RCW or other applicable law. After such data is deleted, the remainder of the record must be made available.
- (3) The department must accompany any denial of a requested public record, or portion of a record, with a written statement specifying the reason for the denial. The statement must include a reference to the specific exemption in chapter ~~((42.17))~~42.56 RCW or other applicable law which ~~((that))~~ authorizes withholding the record or portion of the record, and a brief explanation of how the exemption applies to the material being withheld.

AMENDATORY SECTION: (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-050 What is the fee to copy a public record?

- (1) The department makes copies of its rules available at no charge. Otherwise, the following fees apply:
 - (a) Fifteen cents per page for copies of public records exceeding 25 pages; or
 - (b) The actual cost of postage or delivery and for duplicating tape recordings, videotapes, photographs, slides, disks, or similar media.

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- (2) Charges are ordinarily payable at the time copies are furnished and must be paid with a money order or cashier's check; cash, credit cards, and personal checks are not an acceptable form of payment. ~~((If copying costs are expected to exceed fifty dollars, the department may request payment in advance of making copies.))~~ The department may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request.
- (3) The public ~~((records officer))~~ disclosure coordinator may waive any of the foregoing fees for good cause, including but not limited to circumstances when total copying costs would be negligible.

AMENDATORY SECTION: (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-060 When is the department of personnel permitted to dispose of public records?

Public records as defined in RCW 40.14.010 or ~~((42.17.020))~~ 42.56.010 are the property of the state of Washington and may only be disposed of as authorized by the state records committee under chapter 40.14 RCW.

AMENDATORY SECTION: (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-065 How is the department of personnel organized?

The staff is organized in ~~((five))~~ six general areas:

- (1) Personnel services: ~~((which))~~ provides consultation and services related to recruitment, assessment, affirmative action, human resources, salary surveys, compensation plan administration, and classification to state agencies, institutions of higher education, and related higher education boards.
- (2) ~~((Human resource development services))~~ Organization and employee services (located at 600 South Franklin Street, Olympia, Washington): ~~((which))~~ provides consultation on human resource development activities to agencies, training which is interagency in scope, and guidelines for agency planning and evaluation of human resource development.
- (3) Administrative services: ~~((which))~~ provides ~~((departmental fiscal management, facilities, agency personnel services, affirmative action, client relations, and labor relations services.))~~ support services for facilities and supplies, financial services including payroll and travel, duplicating and mailroom services, Combined Fund Drive, and administers the statewide employee survey. Within the administrative division, the employee advisory service (EAS)

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offices are at the following locations: 3400 Capitol Boulevard, Olympia, Washington; 613 - 19th Avenue E., Suite 101, Seattle, Washington; and at Suite 604, Northtown Office Building, Spokane, Washington.

- (4) ~~((Client and employee relations services which provides general human resource consulting services and organizational development services.))~~Legal Affairs: provides affirmative action consultation, rule interpretation, labor/employment discrimination guidance, legislative services and responds to requests for public records. Provides director's review and appeal services (located at 2828 Capitol Blvd., Olympia, Washington), processes and adjudicates requests for director's reviews and provides administrative support for Personnel Resources Board appeals.
- (5) ~~((Human resources information services (located at Building #1, Rowsix, 4224 6th Avenue, Lacey, Washington) which administers the central personnel/payroll and insurance eligibility computer systems.))~~Director's office: provides agency leadership, internal human resources, planning and performance, communication services, and operational support.
- (6) Human resources information services (located at Building #1, Rowsix, 4424 6th Avenue, Lacey, Washington): administers the central personnel/payroll and insurance eligibility computer systems.

AMENDATORY SECTION: (Amending WSR 05-01-202, filed 12/21/04, effective 7/1/05)

WAC 357-07-070 What is the department of personnel's general method of operation?

- (1) Agency business is conducted as described in chapters 41.04 and 41.06 RCW, and Title 357 WAC.
- (2) All interested parties may participate in formulation of agency rules. The department is required to provide twenty days notice of formal action by the director or the personnel resources board on any rule, classification plan, or compensation plan.
- (3) For matters other than rule making under the Administrative Procedure Act, chapter 34.05 RCW or quasi-judicial matters as defined in RCW 42.30.140(2), the presiding officer of the governing body of a public agency or a majority of the board members may call a special meeting upon twenty-four hour notice as provided in the Open Public Meetings Act, RCW 42.30.080.
- (4) Before rule proposals are made to the board or director, department staff may conduct informal work sessions as necessary to ensure representation from interested parties.

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- (5) The department must conduct all business in accessible facilities and in a manner that reasonably accommodates the needs of disabled persons.

ITEM #4 ADOPTED ON A PERMANENT BASIS, EFFECTIVE 10-10-06.

Staff Note: These changes are necessary for the implementation of the new E-Recruiting system. Staff is proposing permanent adoption effective October 16, 2006.

AMENDATORY SECTION: (Amending WSR 05-01-200, filed 12/21/04, effective 7/1/05)

WAC 357-16-025 How must employers and the department inform prospective applicants of recruitments?

Employers and the department may recruit without notice by searching for job seekers who have registered in the talent pool maintained by the department. If the department or employer does not recruit job seekers from the central talent pool, ((N))notice of recruitment must be issued publicly. The notice must specify the period of recruitment ((and include information about the length of time eligible applicants will be retained in a pool)).

AMENDATORY SECTION: (Amending WSR 05-01-200, filed 12/21/04, effective 7/1/05)

WAC 357-16-100 ((How soon m))Must employers ((notify)) make((applicants of their)) final examination results available to an applicant?

((Employers must notify applicants in writing of their final examination results within a reasonable time period as determined by the employer. For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.)) An applicant's final examination results must be made available within a reasonable time period as determined by the employer.

ITEM #5 - POSTPONED

Staff Note: WAC 357-31-265 needs to be modified for two reasons:

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1.) For overtime-eligible employees, if the employee chooses leave without pay (LWOP) and wants to make up the lost work time, the employee can make up the time during the work week which would result in no LWOP.

2.) The employer can require an overtime-exempt employee to use accrued paid leave to cover the absence. If the overtime-exempt employee has no paid leave to cover the absence the employee's pay may be docked. Employers can require overtime-exempt employees make up lost work time.

Staff is proposing permanent adoption effective October 16, 2006.

AMENDATORY SECTION: (Amending WSR 05-08-137, filed 4/6/05, effective 7/1/05)

WAC 357-31-265 What is the effect of suspended operations on employees who are not required to work during the closure?

At a minimum, employees not required to work during suspended operations must be allowed to use their personal holiday~~((;))~~or accrued vacation leave~~((;))~~. Overtime-eligible employees must also be allowed to use accrued compensatory time~~((; or leave without pay))~~ to account for the time lost due to the closure. ((If an employer's suspended operations procedure allows, employees may also be released without a loss in pay or given a reasonable opportunity to make up work time lost as a result of the suspended operations.)) Overtime-eligible employees may be allowed to use leave without pay and given an opportunity to make up the time lost (as a result of suspended operations) within the work week. For overtime eligible employees, compensation for making up lost work time must be ((granted on a compensatory time basis at not less than straight time nor more than time and one-half,)) in accordance with WAC 357-28-255, 357-28-260, and 357-28-265 when applicable, and must be part of the employer's suspended operations procedures. The amount of compensation earned under this section must not exceed the amount of salary lost by the employee due to suspended operation.

If the employer's suspended operations policy allows, employees may be released without a loss in pay.

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